

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Board of Trustees of the Construction Industry
 and Laborers Health and Welfare Trust, et al.,

Plaintiff(s),

vs.

Emmanuel Environmental, Inc., et al,

Defendant(s).

2:23-cv-01774-APG-MDC

Order

Pending before the Court is plaintiffs' *Motion to Strike Answer of Emmanuel Environmental, Inc.* (ECF No. 15) ("Motion"). Defendants did not oppose the Motion. The motion seeks to strike the answer (ECF No. 12) of defendant Emmanuel Environmental, Inc. because defendant is a corporation, and the answer was filed pro-se by defendant's owner. "[A] corporation may appear in federal court only through licensed counsel." *Rowland v. California Men's Colony*, 506 U.S. 194, 201-02 (1993). Thus, Courts may strike pleadings filed pro-se by a corporation. *See e.g., Trustees of Operating Engineers Pension Trust v. O'Donnell*, No. 2:04-cv-728-BES-LRL, 2007 WL 672528 (D. Nev. Feb. 27, 2007) (striking answer for failure to retain counsel). Moreover, per LR 7-2(d), defendants' failure to file points and authorities in response to the Motion "constitutes a consent to the granting of the motion." *Id.* However, it is unclear from the answer (ECF No. 12) whether it was filed only on behalf of the corporate defendant or for both defendants, Emmanuel Environmental, Inc. and Romelle Emmanuel.

"A document filed pro se is "to be liberally construed." *Erickson v. Pardus*, 551 U.S. 89, 94 (2007). Thus, the Court liberally construes the answer (ECF No. 12) to be filed on behalf of both

defendants. Finally, the Court notes that defendants have not filed *Certificate of Interested Parties* required by Local Rule 7.1-1, which provides:

LR 7.1-1. CERTIFICATE OF INTERESTED PARTIES

(a) Unless the court orders otherwise, in all cases except habeas corpus cases, pro se parties and attorneys for private non-governmental parties must identify in the disclosure statement all persons, associations of persons, firms, partnerships or corporations (including parent corporations) that have a direct, pecuniary interest in the outcome of the case. The disclosure statement must include the following certification: The undersigned, pro se party or attorney of record for _____, certifies that the following may have a direct, pecuniary interest in the outcome of this case: (here list the names of all such parties and identify their connection and interests.) These representations are made to enable judges of the court to evaluate possible disqualifications or recusal. Signature, Pro Se Party or Attorney of Record for _____.

(b) If there are no known interested parties other than those participating in the case, a statement to that effect will satisfy this rule.

(c) A party must file its disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court. A party must promptly file a supplemental certification upon any change in the information that this rule requires.

Accordingly, IT IS ORDERED that:

(1) Plaintiffs' Motion (ECF No. 15) is **GRANTED-IN-PART** and the answer by defendant Emmanuel Environmental, Inc. is struck. Thus, defendants' joint answer at (ECF No. 12) is struck as to by Emmanuel Environmental, Inc. Plaintiff's Motion is **DENIED-IN-PART** to the extent that may seek to strike defendant Romelle Emmanuel's answer.

(2). Defendant Emmanuel Environmental, Inc. shall retain counsel and respond to plaintiffs' Complaint by no later than **June 18, 2024**. Default judgment may be entered against Emmanuel

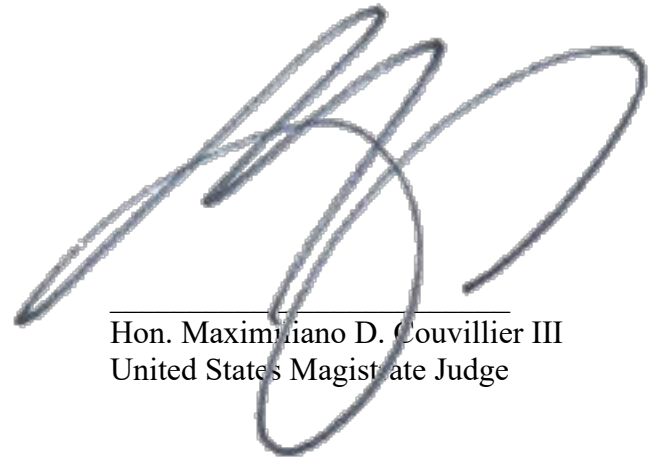
1 Environmental, Inc. if it does not comply with this order and respond to plaintiffs' Complaint as
2 directed;

3 (3). Defendant Romelle Emmanuel shall file a *Certificate Of Interested Parties* in compliance
4 with LR 7.1-1 by no later than **May 21, 2024;** and

5 (4). The Clerk of Court shall mail defendants a copy of this order to defendants' last known
6 address at 4550 Donovan Way, Ste 114, North Las Vegas, NV 89081, and to 981 Whitney Ranch
7 Dr, 1414, Henderson, NV, 89014.

8 Dated this 7th day of May 2024.

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Hon. Maximiliano D. Couvillier III
United States Magistrate Judge